

Senate Study Bill 3142 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to unenforceable provisions in rental
2 agreements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 562A.11, subsection 2, Code 2018, is
2 amended to read as follows:

3 2. A provision prohibited by subsection 1 included in a
4 rental agreement is unenforceable. If a landlord willfully
5 ~~uses enforces provisions in a rental agreement containing~~
6 ~~provisions~~ known by the landlord to be prohibited, a tenant may
7 recover actual damages sustained by the tenant and not more
8 than three months' periodic rent and reasonable attorney fees.

9 Sec. 2. Section 562B.11, subsection 2, Code 2018, is amended
10 to read as follows:

11 2. A provision prohibited by subsection 1 included in a
12 rental agreement is unenforceable. If a landlord or tenant
13 knowingly ~~uses enforces provisions in a rental agreement~~
14 ~~containing provisions~~ known to be prohibited by this chapter,
15 the other party may recover actual damages sustained.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to prohibited provisions in rental
20 agreements.

21 Current law provides that a landlord cannot willfully use
22 provisions that the landlord knows are prohibited in a rental
23 agreement for a rental property. Current law also provides
24 that a landlord or a tenant cannot knowingly use provisions
25 that are known to be prohibited in a rental agreement for a
26 space at a mobile or manufactured home park.

27 The bill provides that landlords cannot willfully enforce
28 provisions that the landlord knows are prohibited in a rental
29 agreement for a rental property. The bill also provides that a
30 landlord or a tenant cannot knowingly enforce provisions known
31 to be prohibited in a rental agreement for a space at a mobile
32 or manufactured home park.